

<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional)  0320-002	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on _____  Signature _____  Typed or printed name _____	Application Number  10/768,234		Filed  January 30, 2004
	First Named Inventor  Frank A. HUNLETH et al.		
	Art Unit  2174		Examiner  Le V. Nguyen
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.          This request is being filed with a notice of appeal.          The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.          I am the  <div style="display: flex; justify-content: space-between;"><div style="width: 45%;"><input type="checkbox"/> applicant/inventor.  <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)  <input checked="" type="checkbox"/> attorney or agent of record. Registration number 59,140  <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</div><div style="width: 50%; text-align: center;"><div style="border-bottom: 1px solid black; margin-bottom: 5px;">/Remus F. Fetea/</div><div style="margin-bottom: 5px;">Signature</div><div style="border-bottom: 1px solid black; margin-bottom: 5px;">Remus F. Fetea, Ph.D</div><div style="margin-bottom: 5px;">Typed or printed name</div><div style="border-bottom: 1px solid black; margin-bottom: 5px;">540-361-2601</div><div style="margin-bottom: 5px;">Telephone number</div><div style="border-bottom: 1px solid black; margin-bottom: 5px;">January 14, 2008</div><div style="margin-bottom: 5px;">Date</div></div></div> <div style="padding: 10px; margin-top: 10px;">NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</div> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"><input type="checkbox"/> *Total of _____ forms are submitted.</div>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	<b>MAIL STOP: AF</b>
	)	
Frank A. HUNLETH et al.	)	Group Art Unit: 2174
	)	
Application No.: 10/768,234	)	Examiner: Le V. Nguyen
	)	
Filed: January 30, 2004	)	
	)	
For: METHODS AND SYSTEMS	)	
FOR GENERATING A	)	
ZOOMABLE GRAPHICAL	)	
USER INTERFACE	)	

**REMARKS ACCOMPANYING PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request that a Pre-Appeal Brief Conference be initiated in accordance with the pilot program outlined in the Official Gazette Notice of July 12, 2005, for the following reasons.

**FAILURE TO PRESENT A *PRIMA FACIE* CASE OF OBVIOUSNESS**

Applicants submit that the Official Actions of October 15, 2007 and January 10, 2008 have failed to provide a *prima facie* case of obviousness with respect to Claims 15-19, 23-28, 32-37, 41-43, 46-48, 51-53, and 56 under 35 U.S.C. § 103(a) as unpatentable over Daily et al. (U.S. Patent publication no. 2004/0123320, herein "Daily") in view of Brown et al. (U.S. Patent publication no. 2004/0070631, herein "Brown"), and

Claims 44, 45, 49, 50, 54 and 55 under 35 U.S.C. § 103(a) as unpatentable over Daily in view of Brown and Johnston et al. (U.S. Patent no. 5,561,444, herein "Johnston").

As outlined in detail in the response, filed December 5, 2007, these rejections are deficient because neither of the applied art provides any disclosure relative to an entire element of the Applicants' claims.

Applicants' Claim 15 recites, *inter alia*, a method for interfacing with a plurality of images, including:

- ... displaying said plurality of images aligned relative to one another in rows and columns at a first semantic level of a user interface;

- moving a cursor over one of said plurality of images;

- ... displaying additional information associated with said one of said plurality of images after enlarging said one of said plurality of images and prior to launching a media item represented by said one of said plurality of images.

As discussed in detail in the response filed December 5, 2007, none of the applied art teaches or suggests displaying the claimed "additional information." In response to this assertion, the Advisory Action maintains that paragraph [0037] of Daily discloses this feature.

Daily discloses a method and system for providing an interactive guide for multimedia selection. In this respect, Daily shows in Figures 1(a)-(b) typical views provided by the interactive guide. These figures show plural icons associated with possible services to be selected by a user. Daily discloses in paragraph [0040] that the user can navigate by panning, zooming and selecting an icon. More specifically, Daily shows in Figure 2(a) that an initial icon includes both text and images and the text is too

small to be read by the user. Thus, the user can zoom in to increase the size of the text as shown in Figures 2(b)-(c).

However, it is noted that the zooming operation described by Daily in paragraph [0040] and shown in Figures 2(a)-(c) does not provide **additional information** related to the specific image of the selected icon, as required by independent Claim 15. The result of the zooming operation in Daily is only an increase in size of the text information previously displayed by the original icon.

The Final Office Action and the Advisory Action assert that Daily discloses providing "additional information" in paragraph [0037], i.e., "users can zoom into visual icons and see expanded channel or program information at higher levels of detail." The zooming mentioned in this paragraph of Daily has been discussed above with reference to paragraph [0040] of Daily. Thus, the "expanded channel or program information" mentioned by Daily refers to enlarging a size of the text information and not to showing additional information as required by independent Claims 15, 24, and 33.

The remaining applied art was not used to show the "additional information" and also does not teach or suggest this feature.

#### IMPROPER COMBINATION OF DAILY AND BROWN

Applicants respectfully submit that there is no reason for combining the teachings of Daily with the teachings of Brown to arrive at the claimed invention. The Final Office Action stated in the paragraph bridging pages 2 and 3, that "[i]t would have been obvious to an artisan at the time of the invention to incorporate the method of Brown

with the method of Daily so that users can simultaneously view multiple images and their location for navigational purposes."

In this regard, Daily explains in paragraph [0039] that "[b]y selecting a category or provider [i.e., an icon as shown in Figure 1(a)], the interactive guide dynamically **zooms into the next layer**, displaying the contents of that 'node' within the database of the data sources as a panel such as that shown in **FIG 1(a)**." (Underline added).

On the contrary, Brown shows in Figures 4 and 5 that when an icon (category) is selected from a plurality of icons 304A-H, a user **remains at the same layer** and only the selected icon is enlarged **without zooming into a next layer**.

Therefore, Applicants respectfully submit that these teachings of Daily and Brown cannot be combined as suggested by the outstanding Office Action as these teachings are opposite to each other, i.e., Daily suggests advancing from a first layer to a second layer when an icon is selected and Brown suggests remaining at the same layer when an icon is selected and only increasing the size of the icon.

Thus, the reasoning provided by the Final Office Action to modify the teachings of Daily based on the teachings of Brown so that a user can simultaneously view multiple images and their locations is inaccurate as Daily does not desire to view multiple images when an icon is selected but rather intends to advance to a next layer for showing information associated with the selected icon.

CONCLUSION

Applicants respectfully submit that none of the applied art teaches or suggests displaying "additional information" associated with one of the plurality of images after enlarging the one of the plurality of images and prior to launching a media icon represented by the one of the plurality of images.

In addition, it is respectfully submitted that the combination of Daily and Brown is improper for the reasons discussed above.

Thus, it is respectfully requested that the prosecution of this application be reopened.

Respectfully submitted,

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